

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Federal Trade Commission

Plaintiff,

v.

Innovative Marketing, Inc., *et al.*

Defendants,

AND

Maurice D'Souza

Relief Defendant.

CIVIL NO. RDB 08-CV-3233

**PLAINTIFF FEDERAL TRADE COMMISSION'S
UNCONTESTED MOTION TO EXCEED THE FIFTY-PAGE
LIMIT SET BY LOCAL RULE 105-3**

Plaintiff, the Federal Trade Commission ("FTC") hereby moves the Court to permit the FTC to exceed the page limit set by local rule 105-3 when filing Plaintiff's Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment.

In support of its Motion to Exceed the Fifty-Page Limit Set By Local Rule 105-3, the FTC states as follows:

1. Local Rule 105-3 prohibits parties from filing any memoranda in support of a motion that exceeds fifty pages unless permitted by order of the court.
2. The FTC is seeking summary judgment against multiple defendants engaged in a massive scheme to deceptively market and sell "scareware": i.e. computer security software sold to consumers by frightening them into believing that their computers are "infected" by severe "threats," vulnerabilities, and illegal or compromising files.

3. Defendants' scheme was extensive, sophisticated, and complex, involving numerous participants, multiple corporate entities, dozens of websites, more than 50 different products, and a variety of deceptive advertising techniques.

4. In order to sufficiently present its case for summary judgment, the FTC must go into detail to explain the full scope of Defendants' activities and the individual role of each Defendant.

5. The nature of Defendants' Internet-based scheme requires the FTC to include various "screen shots" and advertisements in the memorandum in order to demonstrate how the Defendants' marketing practices operated and why they were deceptive.

6. The Defendants' near-universal invocation of their Fifth Amendment privilege has greatly added to the FTC's evidentiary burden, requiring that it doggedly establish fact after fact rather than point to Defendant statements, stipulations, admissions, and other standard discovery processes for revealing and presenting evidence in support of the FTC's motion.

7. The unfortunate, but unavoidable, result of these various factors is that the FTC requires more than fifty pages to satisfy its burden and adequately present a case for Summary Judgment to the Court. The FTC thus believes it has good cause to exceed the limit set forth by Rule 105-3.

8. Counsel for Defendants Kristy Ross and Marc D'Souza do not oppose this motion.

9. The FTC therefore respectfully requests that this Court grant the accompanying proposed Order Granting Plaintiff's Motion to Exceed the Page Limitation Set By Local Rule 105-3.

Dated: November 17, 2010

Respectfully submitted:

WILLARD K. TOM
General Counsel

/s/ Ethan Arenson

Ethan Arenson, DC #45147
Colleen B. Robbins, NY #2882710
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm 288
Washington, D.C. 20580
(202) 326-2204 (Arenson)
(202) 326-2548 (Robbins)

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**ORDER GRANTING PLAINTIFF FEDERAL TRADE
COMMISSION'S UNCONTESTED MOTION TO EXCEED THE
FIFTY-PAGE LIMIT SET BY LOCAL RULE 105-3**

Upon consideration of Plaintiff Federal Trade Commission's ("FTC") Uncontested Motion to Exceed the Fifty-Page Limit Set By Local Rule 105-3,

IT IS HEREBY ORDERED THAT the Plaintiff and Defendants are permitted to file a Memorandum of Law in support of their respective motions for Summary Judgment in excess of fifty pages in length.

SO ORDERED this _____ day of _____, 2010.

UNITED STATES DISTRICT COURT JUDGE

**UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2010, I caused a true and correct copy of the foregoing Uncontested Motion to Exceed the Fifty-Page Limit Set By Local Rule 105-3 to be served via the Court's electronic filing system upon:

Tom Kirsch
Winston & Strawn
35 W. Wacker Drive
Chicago, Illinois
60601-9703

Carolyn Gurland
2731 N. Mildred Avenue
Chicago, IL 60614
Counsel for Kristy Ross

Garret Rasmussen
Orrick
Columbia Center
1152 15th Street, N.W.
Washington, D.C. 20005-1706
Counsel for Marc D'Souza and Maurice D'Souza

/s/ Ethan Arenson